

GAHC010063542024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./907/2024

GENDU MOHAN NATH
LOT MANDAL, BOITAMARI REVENUE CIRCLE, BOITAMARI, P.S.
ABHAYAPURI, DIST. BONGAIGAON
SON OF LT JADU RAM NATH,
VILL- DEURIPARA, P.O. BONGAIGAON,
P.S. AND DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D C NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 08.04.2024

Heard Mr.Z. Alam, learned counsel appearing for the Petitioner. Also heard Mr. D. Das, the learned Additional P.P. for the State of Assam.

This is an application under Section 439 of the Cr.P.C. in respect of ACB P.S. Case No. 21/2024 under Section 7(a) of the Prevention of Corruption Act,

1988.

Asiruddin Mandal had purchased a plot of land from Sonaullah after the name of Asiruddin Mandal was mutated in respect of the said land. Therefore, the son of Asiruddin Mandal noticed that the land records still contained the name Sonaullah showing him as the owner of the aforesaid plot of land purchased by his father. Therefore, the son of Asiruddin Mandal approached the revenue authorities and the present petitioner demanded Rs.5,000/- (Rupees five thousand) as bribe for deleting the name of Sonaullah from the records in respect of the said land.

The matter was referred to Director of Vigilance and Anti-Corruption and the present petitioner Gendu Mohan Nath was caught red handed while accepting bribe from the son of Asiruddin Mandal.

The petitioner has spent 27 days in custody.

The learned counsel for the petitioner submits that the period already undergone by the petitioner should be taken as a ground for releasing him on bail.

Mr. D. Das submits that the investigation is still going on and the bail application should not be considered at this stage.

I have heard the learned counsel of both sides.

This Court is of the opinion that the petitioner does not deserved to be released at this stage. Therefore, his bail application is rejected and disposed of accordingly.

JUDGE

Comparing Assistant